

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ELECTRONIC CASE FILING TRAINING FOR ATTORNEYS**

**QUICK INFORMATION GUIDE:**

**To File go to:**

**[www.lawd.uscourts.gov](http://www.lawd.uscourts.gov)**

**PACER**

**ECF Filing**

**(then click on the [Western District of Louisiana](#) hyperlink)**

**Help Desk :**

**Hours: 8 a.m. to 12, 1 p.m. - 5 p.m.**

**Phone: 1-866-323-1101**

**E-mail: [CMECF\\_HelpDesk@lawd.uscourts.gov](mailto:CMECF_HelpDesk@lawd.uscourts.gov)**

**Important E-mail Addresses:**

**Complaints, civil cover sheets and summonses:**

**[lawdml\\_complaints@lawd.uscourts.gov](mailto:lawdml_complaints@lawd.uscourts.gov)**

**Proposed orders:**

**[lawdml\\_proposedorders@lawd.uscourts.gov](mailto:lawdml_proposedorders@lawd.uscourts.gov)**

**Consents to magistrate trial:**

**[lawdml\\_consents@lawd.uscourts.gov](mailto:lawdml_consents@lawd.uscourts.gov)**

**Emergency filings:**

**[lawdml\\_emergencyfiling@lawd.uscourts.gov](mailto:lawdml_emergencyfiling@lawd.uscourts.gov)**

**Criminal charging instruments:**

**[lawdml\\_criminal@lawd.uscourts.gov](mailto:lawdml_criminal@lawd.uscourts.gov)**

**PACER Information:**

**Phone: 1 (800) 676-6856 or (210) 301-6440**

**<http://pacer.psc.uscourts.gov>**

**Adobe Acrobat Reader (free download)**

**[www.adobe.com/products/acrobat/readstep2.html](http://www.adobe.com/products/acrobat/readstep2.html)**

**Portable Document Format (PDF) Information:**

**[www.pdfzone.com](http://www.pdfzone.com)**

## **TIPS**

**NETSCAPE IS FREE - PLEASE USE  
ALL FEATURES WORK PROPERLY WHEN USING NETSCAPE AS THE BROWSER!**

### **\*\*\*CERTIFICATE OF SERVICE INFORMATION**

- Utilities (Blue Menu Bar)
- Select Mailings
- Select Mailing Information for a Case

**For ALL filings that are manually served, include a copy of the NEF!**

**MANUALLY SERVE ALL SEALED FILINGS!**

### **ATTACHMENTS LIST: (ATTACHMENTS MUST BE NAMED!!)**

**Affidavit  
Affidavit of understanding  
Agreement to abandon property  
Appendix  
Attachments to scheduling order  
Certificate of good standing  
Certificate regarding efforts to resolve (LR 37.1)  
Civil cover sheet  
Elements of offense  
Exhibits  
Factual basis for guilty plea  
Memorandum/Brief  
Miscellaneous state court pleadings  
Notice of manual attachments  
Proposed pleading  
Statement of material facts  
Text of proposed order**

### **ATTACHMENTS EXAMPLE:**

#### **Motion for summary judgment:**

**File Motion as main document;**

**Attachments should be:**

- memorandum in support
  - statement of facts
  - exhibits

**If ordered to file something and there is not an appropriate event:**  
**Under Other Filings, Other documents,**  
**Select Response (NOT Motions) and link to order to which filing is responding**

**\*\*GENERAL RULES FOR ADDING PARTIES:**

- SEARCH, SEARCH, SEARCH before adding any name to the database!
  - NO punctuation!
- Spell out the entire name except for Co, Inc, Corp, &;
  - Entire name of an entity goes in the last name filed
- Do not use articles such as “The”, “A” or “An” to begin a name.
- Initial caps, no all caps (unless name is acronym - space between initials, i.e. G E I C O);
  - There must be at least 3 consecutive characters to perform a search;
- To search for an acronym use the ? - example G?E will search for G E I C O;
- Do NOT use the title field unless you only have a last name (i.e. Officer Smith);
  - May use is the \* as a wildcard when searching,  
(ex: \* Succession will find “Smith Succession”);
  - There is an automatic wild card after last letter -  
ex: Wal will find Wal-Mart, Walmart, Wal Mart);
  - Select the proper role of the party being added;
  - Do NOT add address information.

**BE CAREFUL WHICH EVENT YOU SELECT:**

“Notice of Appeal” found under “Appeal Documents” should be used to appeal to the 5<sup>th</sup> Circuit NOT “Notice (other)” found under “Notices”

“Bill of Costs” found under “other documents” should be used NOT “Motion for Bill of Costs” found under “motions”, unless the attorney is intending for the filing to go before the judge instead of the staff attorney. The staff attorney routinely handles the Bill of Costs.

“Motion” should be used NOT “Proposed Order/Judgment” found under “other documents”- Proposed orders/judgments are not included on a judge’s motion report, so please file “motions” with proposed orders as attachments (see “text of proposed order” under the attachments drop down menu).

“Responses and replies” found under “motions and related filings” should be used when filing a response to a motion NOT “Response (not motions)” found under “other documents”. “Response (not motions)” is used to respond to other filings, such as an order.

**“Joint/Voluntary Motion to Dismiss” should be used NOT “Stipulation of Dismissal” found under “Other Documents” unless there is no proposed order for the judge’s signature.**

**“Sealed Motion” should be used NOT “Motion to Seal Document” unless the document the attorney is wanting to seal is something that is was previously filed into the record. “Sealed Motion” is the only motion event that seals. This event should be used even when the attachment is the only part of the motion that needs to be sealed.**

**“Motion to Amend/Correct” should be used NOT “Motion for Leave to File Document” if attorney is actually amending a filing such as a complaint or an answer. “Motion for Leave to File Document” is requesting permission to file Reply Briefs, Supplemental Filings, Affidavits, etc.**

**“Motion to File Excess Pages” should be used NOT “Motion for Leave to File Document” if the attorney is requesting to file a brief with more pages than the required limit.**

**PACER FEES** Beginning, January 1, 2005, PACER is charging an \$.08 fee per page, depending on number of pages that results from any search. The charge applies whether or not pages are printed or downloaded. There is a cap of \$2.40 on the eight-cent per page charge. Access to dial-up PACER systems will generate a \$.60 per minute charge. However, users won’t incur both per minute and per page charges for a PACER session. PACER bills on a quarterly basis. For more information, **please call PACER at 1(800) 676-6856 or (210) 301-6440 or go to their website at: <http://pacer.psc.uscourts.gov>.**

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA**

**Electronic Case Filing Training for Attorneys**

**Attorney's Manual**

**I. INTRODUCTION**

**A. TRAINERS**

**B. MATERIALS USED FOR TRAINING**

- Attorney Training Agenda (see quick reference guide on top)
- Administrative Procedures
- Local Rules for ECF

**C. CLASS OBJECTIVES: At the end of this class, attendees should be able to:**

- Prepare documents for filing electronically
- Understand rules for electronic signatures, noticing, retention of original documents
- Determine how to file large documents, attachments and other items
- Determine who receives notice through the court's electronic system and who still requires manual service for the certificate of service.
- File documents electronically
- View documents in the electronic system
- What to do if you encounter problems when filing electronically

**II. WHAT IS ECF:** You may see our new system written as CM/ECF. The CM-side is the case management system that the court uses. The Western District has been using this system since June 2004. The ECF-side is the electronic case filing system that the attorney's use. ECF allows attorneys to electronically file documents. The Western District went "live" with ECF on April 1, 2005.

**Why did the court go to CM/ECF?**

The Administrative Office, or the "AO", in Washington DC required all the Federal Courts to convert to this system. It was created by the AO and distributed to all of the federal courts across the country. Each court is on a particular wave with a group of several courts in different locations that are in the same stage of the conversion process. The system is constantly evolving and the AO is periodically coming out with updated versions to improve its capability and to correct any issues with the system. Each release changes procedures to some degree.

The program comes to each court with a standard dictionary. The dictionary is the list of menu options which the court refers to as events. Each individual court has a dictionary committee that takes these events and makes them respond appropriately to their court's procedures and local rules. The Western District tried to keep as many standard events as possible. Very few events were deactivated and several events were added. Helpful hints were also added that appear in green and yellow boxes according to the event selected. The green boxes are local rule reminders to help ensure attorneys are providing all that the court requires. The yellow boxes are informational boxes to let attorneys know what the court is going to do with the filing.

Each district court has differences within their dictionary. However, the clerks of court within the 5<sup>th</sup> Circuit agreed to waive training if an attorney has received training in one of the 5<sup>th</sup> Circuit District Courts. (Training in most other district courts will suffice for the ECF training requirement for the Western District of LA.) Training in Bankruptcy Court WILL NOW suffice for district court training.

**A. BENEFITS OF ECF: More convenient method to file with the court. Standard attorney practice and the judges preferences (i.e. scheduling orders, standing orders, individual judge requirements - all remain the same)**

What you will see:

1. Immediate creation of entries on the docket sheet by the attorney.
2. E-mail notification of all filings to attorneys registered to use the electronic case filing system. By attending this class, the attorneys have registered to use ECF and is consenting to now receive notice by e-mail.
3. Automatic e-mail notification to attorneys of case activity. More than one attorney at a firm and even their staff can now receive electronic notice.
4. Access to instantly updated docket sheets and filings.
5. Elimination of fax or manual notices that attorneys now receive - now they will receive e-mails!
6. Remote access to case files 24 hours a day, 7 days a week
7. 24 hours a day, 7 day a week filing. May file until midnight but PLEASE NOTE: the document is filed at the time of the system generated receipt; i.e., as of date and time of the Notice of Electronic Filing (NEF).
8. All of these benefits translate into a reduction in paper, mail, postage, courier and copy fees.

**B. ATTORNEY REQUIREMENTS**

1. Attorneys must be admitted to practice in the Western District of Louisiana;
2. Attorneys must complete an ECF training course to receive a login and password. The login and password becomes the attorney's original signature

so the attorneys themselves must attend training. (Training may be waived for those who have received training in another district court or bankruptcy court. Write to Pam Mitchell at USDC, Western District of LA, 300 Fannin St., Suite 1167, Shreveport, LA 71101, with proof of training from another court.)

3. Attorneys must also have a PACER account. ECF accounts and PACER accounts work together. Attorneys and the Public who only have a PACER account may only view documents. Attorneys MUST have an ECF login and password to be able to file.

#### **C. ECF SYSTEM REQUIREMENTS:**

1. A personal computer running a standard platform such as Windows or Macintosh.
2. Word processing software, such as Macintosh or Windows-based versions of WordPerfect or Word, that is compatible with PDF (Portable Document Format).
3. A way to create a PDF document. ECF only accepts PDF documents.
4. An Internet service.
5. **Netscape Navigator 7.2** or Microsoft Internet Explorer 5.5 or above. (Do NOT use a Netscape Version lower than 4.5. AOL's version of Netscape is not recommended. The judiciary experiences the least amount of browser issues when using Netscape; therefore, the court recommends (which is available for free download) that the attorneys try it. For instance, one problem is that sometimes with Internet Explorer the back button feature does not always work properly. Even though ECF may work with other browsers, those browsers may have other unknown issues.
6. A PACER account.
7. Adobe Acrobat Reader - to view PDF documents. It is available for free for download over the Internet (at [www.adobe.com/products/acrobat/readstep2.html](http://www.adobe.com/products/acrobat/readstep2.html)).
8. **Optional:** A scanner may be needed for imaging documents which do not exist in electronic format such as affidavits, exhibits, returns of service, etc. Some copy machines can also convert documents to PDF format.

### **III. CHANGES**

#### **A. WHAT WILL NOT CHANGE:**

1. The way attorneys currently practice in the Western District. The judges preferences (i.e. LOCAL RULES, SCHEDULING ORDERS, STANDING ORDERS, NOTICES OF SETTINGS, INDIVIDUAL JUDGE REQUIREMENTS - all remain the same)

2. Service of Complaint and Summons is still governed under **Federal Rule of Civil Procedure 4**.
3. **COURTESY COPIES** - If the assigned judge wants them, send them!
4. **PAYMENT OF FEES** - Payment of filing fees must be made to the Clerk of Court either in advance of the filing or within 10 days of filing electronically. If payment is not made within 10 days, the matter will be submitted to the Court to be stricken. The Court does not accept payment by credit cards at this time.

Fees are required for new suits (complaints or notices of removal), motions to appear pro hac vice, and Notices of Appeal to the 5<sup>th</sup> Circuit.

For Notices of Appeal to the 5<sup>th</sup> Circuit, the appeals clerk will send the attorney a fee letter. The appeal will be processed without the payment - the 5<sup>th</sup> Circuit will monitor the case for payment of the filing fee. If the fee is not paid, the 5<sup>th</sup> Circuit may dismiss the appeal.

Motions to Appear Pro Hac Vice will not be referred to the judge until payment is received.

5. **Western District of LA is NOT a mandatory electronic filing court.** Paper filings may still be made in our drop box, over the counter and through the mail.
6. The 3-day mailing rule still applies even when filing electronically.
7. **A change of an attorney's address** - is the attorney's responsibility to notify the court. The court will monitor e-mail bounce-backs to know if someone is not receiving their e-mails. If an e-mail address, physical address, or phone number changes, make sure to update the court's records by notifying the attorney admissions clerk.

**B. RECENT CHANGES: See Local Rules & Administrative Procedures**

1. **CORPORATE DISCLOSURE STATEMENT REQUIREMENTS:** LR5.6E&W and Fed.R.Civ.P.7.1 require that corporate parties file a statement identifying all of its parent corporations and any publicly traded company that owns 10 percent or more of the party's stock, unless such filing is waived by the presiding judge.

2. **ELECTRONIC RECORDS:** Western District of LA case files became totally electronic on February 1, 2005. Individual paper records are no longer maintained for each case. Originals are retained but are no longer in individual case records.
3. **PRIVACY PROTECTION ACT:** The E-Government Act of 2002 promotes electronic access to case files while also protecting personal privacy and other legitimate interests. Under the Act, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all pleadings filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court:

**Social Security numbers,** use only last four digits;

**Names of minor children,** use only the initials of the child;

**Dates of birth,** use only the year;

**Financial accounts,** use only the last 4 digits of the account number; and,

**Home addresses,** use only the city and state.

Parties should also exercise caution when filing documents containing other personal identifiers such as driver's license number, medical records, treatment and diagnosis, employment history, individual financial information, and proprietary or trade secret information.

In compliance with the E-Government Act of 2002 (as amended August 2, 2004), a party wishing to file a document containing the personal data identifiers specified above may:

- a. **File an unredacted version of the document under seal.** This document shall be retained by the court as part of the record. **Or,**
- b. **File a redacted version of the document and then file a reference list (called a "Redaction Index") under seal.** The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its(their) place in the filing. All references to the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list is automatically sealed, and may be amended as of right. It shall be retained by the court as part of the record. **(Select "Other Documents," "Redaction Index (Sealed Pleading)." Remember that the certificate of service needs to state that it was mailed to all parties/attorneys.)**

Counsel who file documents that include personal identifiers may be notified by the Clerk office of such filing. Counsel who have erroneously filed a document with personal identifiers may file with the Court a “Motion to Strike” the document and file a redacted copy in its place or counsel may file a “Motion to Seal” the document.

**4. SOCIAL SECURITY CASES: Only attorneys that are currently filing in the case are able to view social security filings.**

**Prior to November 1, criminal cases were treated like Social Security Cases and only those counsel of record were allowed to view pleadings in the case. Therefore criminal documents filed before November 1, 2004 can only be viewed by the attorneys of record. Anyone can view criminal cases/pleadings except those that are sealed by logging into PACER.**

**5. NO ORIGINAL SIGNATURES: “SIGNING” PLEADINGS: Pleadings or other documents electronically filed shall indicate a signature by typing s/ and the name of the attorney.**

**a. Login and Password:.** Logins consist of the attorney’s initials and the last four digits of their bar roll number. This login cannot be changed. However, passwords may be changed by contacting the court. There is an 8 character maximum for passwords. Remember that logins and passwords are case sensitive.

**b. What your Login and Password really means:**

**i.** Under FRCP 11, **the attorney’s ECF login and password is now their original signature. Be careful!** The Court recommends that **only the attorney** use it. The system extracts the information contained in the database for that attorney and attributes that information to the entry and to the docket sheet.

**ii.** However, if an attorney shares their password with a paralegal or secretary, they should realize that if someone else uses that login and password, they are in effect “signing” that document for the attorney.

**iii. Change passwords periodically by calling or writing to the court.** If an employee that has access to an attorney’s

login and password leaves the firm, the court recommends that the attorney change their password immediately.

- iv. A **PACER** login and password is necessary to query and run reports. This login and password is different from the court issued ECF login and password. **Contact PACER for these logins/passwords.**

- c. **MULTIPLE SIGNATURES/JOINT FILINGS:** Documents requiring signatures of more than one party/attorney must be electronically filed either by:

- i. submitting a scanned document containing all necessary signatures;
- ii. indicating the consent of the parties who did not sign the document; (put it in document somewhere obvious) or,
- iii. submitting a list of the parties who did not sign the document whom user has contacted and who have agreed to submit an endorsement no later than three business days after the filing. (See **LR5.7.08W**)

- 6. **RETENTION REQUIREMENTS:** Documents which must contain original signatures or which require either verification, or an unsworn declaration under any rule or statute, shall be filed electronically with originally executed copies maintained by the filer until one year after all time periods for appeal have expired. See **LR5.7.07W**

- 7. **NO FILE STAMPS = NOTICE OF ELECTRONIC FILING (NEF) -**  
A “Notice of Electronic Filing”, or “NEF” for short, is the ECF filing receipt. When a party files a document electronically, this receipt is generated confirming that ECF has registered the transaction and now the pleading is an official court document. This page is equivalent to a file stamp.

**The NEF actually displays** the date and time of the transaction and the number that was assigned to the document; a hyperlink to the document, an encrypted file stamp for each “part” of the filing; list of those who are to receive notice of this document and whether it is to be received electronically through ECF or by some other means.

**NOTE:** Some judges are now entering text only orders. These orders are an entry on the docket sheet without a traditional scanned order attached. A NEF generates for these orders and is e-mailed, faxed or printed and

mailed to all parties. There is no document attached to these entries. If an attorney receives this NEF via email there will be no hyperlink to a document.

**Service Via the NEF:** ECF will e-mail the NEF to all attorneys in the case who have received their ECF login and password. The Court encourages the attorneys to print and/or save the NEF on the hard drive of their computer. The ECF filing report also displays the names and addresses of individuals who will not be electronically notified of the filing.

**\*\*\*NOTE: It is the filer's responsibility to serve hard copies of the pleadings along with a copy of the NEF to attorneys and parties who are not set up for electronic notification or to all attorneys/parties when submitting a sealed filing.**

8. **SERVICE** of documents after the complaint comes under **Federal Rule Civil Procedure 5**. Whenever a document is filed electronically, the System generated "Notice of Electronic Filing" (NEF) is sent to the filing party and any other party who has consented to receive notice by electronic means. A NEF sent to a party who has consented to receive electronic notice satisfies the requirement of notice under Fed.R.Civ.P. 5 and 77(d). **SEALED PLEADINGS, SEALED EVENTS, AND SEALED MOTIONS WILL NOT NOTICE TO ANYONE.** The attorney filing that document will receive the NEF as receipt that the filing was completed BUT it does not electronically send that NEF to anyone. These documents must be served in paper form with a copy of the NEF.

9. **CERTIFICATE OF SERVICE (See back of Administrative Procedures for examples)** The certificate of service needs to reflect the service information found in the NEF. To determine who receives electronic notice and who does not when preparing the certificate of service, go to: **Utilities, Mailings, Mailing Info for a Case.**

**Example:** If an attorney consents to service in a case and the opposing counsel also consents, the system sends a copy of the filing via the NEF to opposing counsel. The attorney submitting the filing must still provide a certificate of service that states that notice was provided through the court's electronic filing system. For those parties/attorneys requiring service through the mail, the filing party must send paper copies of the filings to those parties/attorneys, along with a copy of the NEF.

10. **Quality control by Clerk's Office:** Every document filed into the ECF system by an attorney will be reviewed by the clerk's office staff for accuracy and to make sure the correct PDF document is attached.

Attorneys may be contacted by the clerk's office staff if something appears to be incorrect. A Notice of Deficiency or a Notice of Corrective Action may also be issued.

### **Deficiencies**

Deficient documents are those that do not comply with the Uniform Louisiana Local Rules, the Federal Rules of Civil Procedure or the standard operating procedures of the Clerk office.

**Message Boxes:** While navigating through ECF, message boxes appear reminding attorneys of Local Rule Requirements or of possible future court action.

**Green boxes:** Reminders of local rule requirements. (Example: Motion for Summary Judgment needs a statement of material facts.)

**Yellow boxes:** Identify actions that the clerk's office may take in response to the filing. (Example: The court will set a motion on the judge's motion calendar.)

When a filing is made, it appears on the docket sheet. The clerk's office reviews each filing for compliance. If a deficiency is identified, the clerk's office will make the following notation in all caps at the beginning of the entry on the docket sheet: **"DEFICIENT ?"**. The Clerk's office will then issue and docket a "Notice of Deficiency" which is sent to all attorneys of record in the case.

The attorney who filed the deficient document will be instructed to submit the requisite document and identify that document as a **"Corrective Document"** regardless of what that filing is. An attorney files a "Corrective Document" by selecting that event under "Other Documents."

Upon correction, the "DEFICIENT ?" notation will be removed from the original entry. **If an attorney has questions concerning this process or deficiencies in general, they may call the Help Desk at 1 (866) 323-1101.**

If the attorney does not file the corrective document within the time limits provided in the Notice of Deficiency, the deficient filing will be submitted to the court and may be stricken from the record.

## 11. E-MAIL ADDRESSES:

**a. FILING COMPLAINTS, SUMMONSES AND CIVIL COVER SHEETS:**

At this time, attorneys cannot file original complaints directly through ECF. However, attorneys may be able to file original complaints in a future version of ECF. The clerk's office still needs to assign the case number, the judges, etc. and input the suit into the system before e-filing can begin. Complaints and Notices of Removal may be filed by:

- i. Paper** - over the counter or by mail;
- ii. Disc** - with the document saved in PDF format which will be downloaded into the court's system and then the disc will be returned to the filer.
- iii. PDF attachment to an e-mail** to the following court e-mail address:

**lawdml\_complaints@lawd.uscourts.gov**

**The filing party will be notified that the transaction has been completed when they receive the "Notice of Electronic Filing."**  
**NOTE: The complaint is filed as of the date of the e-mail, not the date the clerk enters it into the system - the NEF will reflect both dates since it will be entered by a court user.**

The clerk's office will print the summons form, then sign and seal it. The original will either be mailed back to the attorney or placed at the front counter for pickup. A copy of the summons will also be docketed by the clerk's office in the record as evidence that summons has been issued.

- b. Proposed Orders:** In addition to providing the PDF order when filing motions, attorneys may also forward a WordPerfect or Word version of the order by e-mail to the clerk's office for the convenience of the judge to the following e-mail address:

**[lawdml\\_proposedorders@lawd.uscourts.gov](mailto:lawdml_proposedorders@lawd.uscourts.gov)**

The Clerk's office will then review the proposed order and forward it to the appropriate judicial officer. The judge may then make any necessary changes and electronically sign the order.

- c. **Consents to Proceed Before the Magistrate Judge** may still be submitted in paper form or they may be e-mailed to:  
[lawdml\\_consents@lawd.uscourts.gov](mailto:lawdml_consents@lawd.uscourts.gov) Consents are not to be filed in the record by the parties. If all the parties do consent, the clerk's office will docket all of the consent forms at the same time. (DO NOT ATTEMPT TO ELECTRONICALLY FILE CONSENTS DIRECTLY INTO A CASE. THERE IS NO EVENT TO ALLOW THIS FILING.)
- d. **Emergency E-mail address:** A party who is unable to electronically file a document on the court's ECF site due to problems with the court's system, may send the document to the following **emergency e-mail address:**

[lawdml\\_emergencyfiling@lawd.uscourts.gov](mailto:lawdml_emergencyfiling@lawd.uscourts.gov)

**This e-mail address shall only be used when the filer is unable to file because of problems with the court's electronic case filing site!**

**Technical Failures in General.** The clerk's office shall deem the Western District's ECF site to be subject to a technical failure on any given day if the site is unable to accept filings continuously or intermittently over the course of any period of time that day. Known system outages will be posted on the website if possible. A party whose filing is made untimely as the result of a technical failure of the court's ECF site may seek appropriate relief from the court. **The clerk's office is able to track whether there was a problem.**

**These issues are not considered technical failures:** problems on the filer's end such as phone line problems, problems with the filer's Internet Service Provider (ISP) or hardware/software problems, etc. **Problems on the filer's end WILL NOT excuse an untimely filing!! A filer who cannot file a document electronically because of a problem on their end must file the document in paper form over the counter or in the drop box.**

**How does a filer know if there is a problem with the court and not with their equipment or services? Try going to another e-mail address. Try another page on the same site. Try a different browser - the court has had the most success with**

Netscape. If other sites are able to be viewed, check the court's website to see if a notice of technical problem has been posted.

- e. **Criminal Charging instruments: The U.S. Attorney's office sends these to the following e-mail address:**

**lawdml\_criminal@lawd.uscourts.gov**

### **III. CREATING DOCUMENTS TO FILE ELECTRONICALLY:**

- A. **Create filings using a word processing system (such as WordPerfect or Word). WHEN THE DOCUMENT IS FINALIZED, INSTEAD OF PRINTING IT AND SIGNING IT, THE ATTORNEY NOW "SIGNS" THE FILING BY TYPING S/ AND THEIR NAME EVERYWHERE THAT WOULD NORMALLY REQUIRE A SIGNATURE - INCLUDING THE CERTIFICATE OF SERVICE. (The name on the signature line must match the id of the filer). SAVE THE DOCUMENT IN WORD PROCESSING SYSTEM PRIOR TO PUBLISHING IT TO PDF.**
- B. **The Western District requires that any filing that contains attachments be broken out into "parts." (For example: motions should always be more than one part. Briefs, orders, exhibits, affidavits, statement of facts, proposed pleadings, etc. are considered separate parts). Documents with more than one "part" should be broken out into separate PDF's accordingly.**

For example, the motion for summary judgment would be the main document and the other "parts" filed as attachments to this motion - are the memorandum in support, statement of material facts, exhibits.

A certificate of service is not considered a separate part - it should be the last page of the main document and/or any other attachments that require a certificate of service.

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#### **Why break filings down into small sections/attachments?**

- 1. **ECF has a 2 megabyte limit per PDF or "part."** If a document, attachment or exhibit is larger than 2 megabytes, an error message will be displayed and the filer will not be allowed to complete the transaction. (2 MB translates to approximately 30 pages depending on the document and the way it is formatted to PDF. The resolution setting on a scanned pleading may affect the size/megabytes.)

**\*\*Note: Electronic signatures increase the size of documents and may increase the file size of a small document to be more than the 2 megabyte limit.**

- 2. Chambers and attorneys can easily find what they are looking for.** (Hyperlinks are created for each “part” and the “parts” may be retrieved individually.)
- 3. It takes less time to file, open or print a smaller file than it does a larger file.** If a filing is divided into smaller PDF’s, it can be filed, opened and/or printed much faster.
- 4. Certain attachments may not be created by an attorney’s office (such as exhibits, affidavits, etc.)** For uniformity in filings, they will always be submitted as separate PDF’s regardless of how they were generated. The “Category”/list of attachments are:

**[blank]**

**Affidavit**

**Affidavit of understanding**

**Agreement to abandon property**

**Appendix**

**Attachments to scheduling order**

**Certificate of good standing**

**Certificate regarding efforts to resolve (LR 37.1)**

**Civil cover sheet**

**Elements of offense**

**Exhibits**

**Factual basis for guilty plea**

**Memorandum/Brief**

**Miscellaneous state court pleadings**

**Notice of manual attachments**

**Proposed pleading**

**Statement of material facts**

**Text of proposed order**

**Attachments must be named! Please use either the drop down menu or the description field, but not both.** Leave the “Category” list blank to enter a description.

## 5. Filing Large Exhibits and Attachments

- a. **In General:** Attachments and exhibits may be filed electronically. Attachments and exhibits that total 50 pages or less may be scanned. Larger exhibits will be maintained in paper form by the clerk's office. When filing a document, browse to select a PDF document. If there is an attachment, select "yes" at the prompt which will bring up an attachment screen.

- i. #1 - Attach the PDF document.
- ii. #2 - Name the attachment by either selecting an item from the "Category" drop down menu or text in the name of the attachment in the "Description" field.
- iii. #3 - Select "Add To List"; or, if an incorrect PDF was attached, select "Remove From List".

Repeat steps #1-3 for additional attachments. When all attachments have been added, select "Next" to continue with the filing.

- b. **Exhibits that Total More than 50 pages:** Clerk's office procedure is that exhibits containing more than 50 pages are NOT scanned. If the exhibits are more than 50 pages, attach a "Notice of Manual Attachment." (This document should be a PDF attachment to the filing with a copy to be submitted with the paper exhibits. It should include the caption, case number, name of filing, date filed, number of volumes of attachments, document number, and the name of the filer.)

Attachments that cannot be scanned should also be filed with the clerk by using a "Notice of Manual Attachment", i.e. physical evidence and oversized exhibits. These items will also be maintained by the court.

All manual filings must be served upon all parties/counsel of record.

### C. The next step after saving a document in a word processing system is to convert it to a PDF document.

Once the document is finalized, signed with the "S/" and saved in a word processing system, it will then need to be converted it to a PDF file. **Only PDF** documents may be submitted through ECF. PDF files are compact, they maintain

the content, layout, and formatting of the original file. They cannot be tampered with. Once it has been saved as a PDF, it can no longer be edited.

There are many different ways to convert a document into PDF. For answers to questions about PDF's, visit the following website: **www.pdfzone.com**.

Various ways to convert to PDF include:

1. **Adobe PDF Acrobat Writer** (Adobe Acrobat Writer costs about \$260.)
2. **Scanner** - Attorneys will find the need to use a scanner when they have exhibits, affidavits, returns of service, etc. Some copy machines can also convert documents to PDF's.
3. **Word** (the latest version)
4. **WordPerfect** (9.0 and above)
5. **There are also companies that can handle large scanning jobs. Check with local copy companies.**

#### IV. **FILING DOCUMENTS ELECTRONICALLY**

ECF provides the following features that are accessible from the blue menu bar at the top of the opening screen: CIVIL, CRIMINAL, QUERY, REPORTS, UTILITIES, LOGOUT.

Using the mouse, click on the item on the menu to select it. To select a different option, just click on it. The "back" button on the browser tool bar may be used to go back one screen at a time.

**NOTE ABOUT LINKING:** **Linking** means referring to an existing event within a filing. Some motions or pleadings such as briefs should be "linked" to related filings or motions. When filing certain documents, there will be a prompt to **"Refer to Existing Event(s)?"** Check the appropriate box and select **"Next."** The following screen prompts the filer to **"Select the appropriate events to which your event relates."** There will be a list of documents that may relate to the filing. Check the box for only the item that relates to the filing and select **"Next."** **For instance, when filing an answer, a list of all complaints filed in that case will be displayed.**

To begin filing, select either **CIVIL OR CRIMINAL**

- A. CIVIL** -Select **Civil** to electronically file all civil case pleadings, motions and other court documents.

**1. INITIAL PLEADINGS AND SERVICE:**

- a. COMPLAINTS AND OTHER INITIATING DOCUMENTS:**  
At this point attorneys cannot initiate a new proceeding in our court through ECF (initial complaints, removals, bankruptcy appeals, etc.) Also, please note, that amended complaints may only be filed if no response has been filed or 20 days has not passed. If a response has been filed or 20 days have passed, a motion to amend/correct must be filed.
- b. SERVICE OF PROCESS:** always use returns of service or waiver of service when service is properly executed. For returns, select the proper return for the defendant served - i.e., a regular defendant, the USA, or social security to establish the correct answer deadline.
- c. ANSWER TO COMPLAINTS:** To answer any complaint, including Petitions for Writ of Habeas Corpus, Social Security Complaints, Intervenor Complaints, Cross Claims, Counterclaims, Third Party Complaints, etc.
- d. OTHER ANSWERS:** “Objection to Report and Recommendations”

**2. MOTIONS AND RELATED FILINGS**

- a. MOTIONS: SELECT A MOTION EVENT FOR EVERY RELIEF REQUESTED IN THE MOTION.**

**More than one relief may be selected at a time by:**

**“Ctrl”** - select the first item, hold down the “ctrl” key, and select the next item. **THIS ALSO WORKS WHEN SELECTING PARTIES.**

**“Shift”:** Select the top item, hold down the “Shift” key, and select the last item, and all items in between will be highlighted. **THIS ALSO WORKS WHEN SELECTING PARTIES.**

The entry may be aborted by selecting another event or by clicking on the blue menu bar.

**NOTE: Docket entries show selections in alphabetical order, not in the order selected.**

**\*\*NOTE: Multiple motion events should be used when the attorney is asking for multiple reliefs in the motion. However, multiple pleadings cannot be combined into one document - must be filed separately - for instance: a memorandum in opposition and motion to strike CANNOT be filed in one pleading.**

Amend/Correct - is used to amend or correct a previous filing - such as a motion to amend a complaint - do not use "motion for leave to file document".

Appeal of Magistrate Judge Decision to District Judge - is used to appeal a magistrate judge's ruling, not a report and recommendation (see "objection to report and recommendation" found under "other answers.")

Bill of Costs - should not be used unless there are special circumstances in which the judge needs to determine costs. Typically the staff attorney will determine costs. These are to be filed by selecting "Bill of Costs" found under "Other Documents". If a motion for bill of costs is filed, it will appear on the judges calendar and will not e-mail the staff attorney.

Extension of Time (Other) - All motions for extension of time that does not have its own separate event listed below.

Extension of Time to Amend - amends a pleading (such as complaint or answer previously filed.)

Extension of Time to Complete Discovery - extends the discovery deadline set by the Scheduling Order, etc.

Extension of Time to File Answer - extends deadlines for answers to complaints, responses to petitions for writ of habeas corpus, or to other complaints or initiating documents.

Extension of Time to File Response/Reply to Motion- is for responses or replies to MOTIONS only!!!

File Excess Pages - would be for leave to file a brief or other document in excess of the page limits allowed for that filing - not motion for leave to file.

Leave to File Document - would be used to substitute an original filing for a copy, to submit a filing out of time, to file a reply brief within the time limits, to file a sur-reply brief or a supplemental filing, etc. This event is not used to amend a pleading - look under "Motion to Amend/Correct"

Miscellaneous Relief - is to be used ONLY when there is no other motion event that applies.

**Sealed Motion - The only motion that is automatically sealed at the point of filing is a sealed motion. If any part of the motion needs to be filed under seal, use this event! NOTE: A sealed motion will NOT electronically notice to ANY parties; the certificate of service must state it was manually served.**

Seal Document - presumes the document is already filed in the case and does not seal at the time of filing.

Seal Case - is to seal a case and does not seal at the time of filing.

Substitute Attorney - withdraws one attorney and enrolls another.

Summary Judgment - there is also a Partial Summary Judgment motion event.

**b. RESPONSES AND REPLIES: These events are used for responses and replies TO MOTIONS ONLY.**

Memorandum in Opposition to Motion: This event is used most often to oppose a motions.

Memorandum in Support of Motion: This event should be used when a filer is supporting another party's motion. A memorandum in support of a filer's motion should be submitted as an attachment to that party's motion and not filed separately.

Reply to Response to Motion: A filer should check the notice of setting to determine whether or not the judge deciding the motion at issue allows replies to routinely be filed without leave of court. If that judge does not routinely allow replies to be filed, the filer should submit a motion for leave to file the reply brief. The reply brief should be an attachment to the “motion for leave to file document.” If the motion is granted, the clerk’s office will file the reply into the record as of the date the order is signed.

Response to Motion: This event should be used when a filer is only responding to a motion.

Statement of Material Facts: Statements of Material Facts should be submitted as attachments to motions for summary judgment or oppositions to motions for summary judgment.

Supplemental Memorandum in Opposition to Motion: This event should only be used when a party has been allowed leave of court in advance. Otherwise, the filer should submit the supplemental memorandum as an attachment to a “motion for leave to file document.” If the motion is granted, the clerk’s office will file the supplemental memorandum into the record as of the date the order is signed.

Supplemental Memorandum in Support of Motion: This event should only be used when a party has been allowed leave of court in advance. Otherwise, the filer should submit the supplemental memorandum as an attachment to a “motion for leave to file document.” If the motion is granted, the clerk’s office will file the supplemental memorandum into the record as of the date the order is signed.

### **3. OTHER FILINGS**

- a. DISCOVERY DOCUMENTS: Discovery is NOT routinely filed in our court - for example: Rule 26(a)(1) or (2) Disclosures are not filed unless ordered to do so.**
- b. NOTICES - “Notice of Appearance” is the event attorneys use to add themselves to the docket sheet on behalf of the party/parties they represent.**

**“Endorsement/Certificate of Counsel” is used for filing joint pleadings and motions. When submitting jointly filed documents, the filer MAY select all parties but DO NOT make the attorney association with parties represented by other counsel.**

- c. TRIAL DOCUMENTS - Multiple selections cannot be made. Please note that witness lists are sealed pleadings and must be manually noticed.**
- d. APPEAL DOCUMENTS - 5<sup>th</sup> Circuit, Social Security and Bankruptcy**

**IMPORTANT:** Attorneys filing a pleading or other document shall be responsible for properly submitting the filing by using the correct docket event/category. An attorney should try to select the most appropriate “event” for the document being submitted.

**For example, for a “Notice of Appeal” to the 5<sup>th</sup> Circuit, an attorney must select the correct event for the appeal to be sent to the appropriate deputy clerk for processing. The attorney MUST go to Appeal Documents and select “Notice of Appeal.” If an attorney selected the general “Notice”, the appropriate docket clerk will not be notified and the appeal may be delayed. For all filings, always select the appropriate event because the dictionary has been developed to trigger activity to ensure filings are processed correctly by the court.**

**Social Security Cases - Documents filed in social security cases shall be filed and noticed electronically except:**

- i.** Social security transcripts are still filed in paper due to the size of the transcripts. A Notice of Manual Attachment is an attachment to the answer indicating that the transcript is available in paper at the clerk’s office;
- ii.** For privacy reasons, retrieval of individual documents is limited to counsel for the parties and court staff. Docket sheets are available to non-parties but the images are not. Non-parties will continue to have direct access to documents on file in Clerk’s office.

**e. OTHER DOCUMENTS : A FEW to highlight are:**

- i.** “Bill of Costs” is the appropriate event to use (not motion for bill of costs) unless special circumstances are involved for which the costs need to be determined by the judge. Otherwise, a bill of costs is routinely determined by the staff attorney.
- ii.** “Corporate Disclosure Statement”
- iii.** “Corrective Document”- for submitting ANY document (such as a signature page, a certificate of service, statement of facts, proposed order, memorandum, etc.) in response to a Notice of Deficiency.
- iv.** “Consent to Removal”
- v.** “Jury Demand” - should only be used if the demand was not contained in the complaint or answer. If it is contained in the complaint or answer, those events have a prompt to identify whether or not there is a jury demand.
- vi.** “Proposed Order/Judgment” - should not routinely be used. If a filer is requesting relief from the judge, that party should file a motion with a proposed order/judgment as an attachment to that motion. Proposed orders/judgments do not appear on a judges motion report/calendar.
- vii.** “Proposed Pretrial Order” - should be used to file all pretrial orders. The other parties/attorneys signatures to this document can be accomplished by those attorneys submitting an “Endorsement of Counsel” found under “Notices” or by the filer submitting a scanned document with all signatures.
- viii.** “Redaction Index (Sealed Pleading)” - should be filed when personal identifiers are redacted from a filing but need to be disclosed to the parties. This event is sealed and needs to be served in paper from by the attorney to the other parties/attorneys.
- ix.** “Report of Rule 26(f) Planning Meeting” - should be used to file Rule 26(f) Reports. The other parties/attorneys signatures to this document can be accomplished by those

attorneys submitting an “Endorsement of Counsel” found under “Notices” or by the filer submitting a scanned document with all signatures.

- x. “Response (NOT Motions)” - should be used when a party is ordered to file a document for which there is no event; for example - a brief on jurisdictional issues.
- xi. “Response to Order to Show Cause”
- xii. “Response to Removal Order”
- xiii. “Sealed Document (Sealed Entry)” - Sealed entries do not appear on the docket sheet at all. There will be a gap in the document numbers on the docket sheet.
- xiv. “Stipulation of Dismissal” - should only be used when no order is attached for the judges signature. If an order should be signed by the judge than the parties should submit a joint/voluntary motion to dismiss.

**B. CRIMINAL** -Select Criminal to electronically file all criminal case pleadings, motions and other court documents.

**1. CHARGING INSTRUMENTS AND PLEAS** - Plea Agreement

**2. MOTIONS AND RELATED FILINGS:** For filing motions, a case number must first be entered before the drop down menu appears. If multiple defendants exist, select the defendant to whom the motion applies - then select the filer - then the list of motion events will appear.

**3. OTHER FILINGS**

Criminal has several sealed events - THESE EVENTS DO NOT NOTICE TO ANYONE - even the attorney who filed the sealed document, cannot view it on the docket sheet once it has been submitted - A COPY MUST BE MAILED TO WHOMEVER SHOULD RECEIVE SERVICE. A NEF generates in ECF only as a receipt of the filing.

**C. QUERY:** PACER logins and passwords are required to Query. Queries may be run by: **case number, party name, attorney name, nature of suit, etc.**

After entering the PACER login and password, ECF opens a Query data entry screen.

**Query by case number.**

**Query by the name of a party or an attorney.** Enter the last name of the party in that appropriate field. For the name of an entity, the entire name may be searched through the last name filed. If more than one person/entity with that name is in the database, ECF returns a list of case names. When the name of the party is selected, ECF will present a list of cases in which that party appears.

**Query the database by case number, name, or nature of suit.**

Once you get a Query window, ECF displays the case number, parties to the case, presiding Judge, date the initial claim was filed, and date of last filing in the case. Specific case information may be selected from a large list of query options by selecting the appropriate hyperlink.

1. Alias (Displays any alias - obo, fka, aka, etc.)
2. Associated Cases (Displays any associated cases, including consolidated case numbers.)
3. Attorney (Displays who the attorneys are and who they represent.)
4. Case Summary (Not used by our court.)
5. Deadline/Hearing (Displays dates of deadlines and hearings pending, terminated or satisfied in the case.)
6. Docket Report (Displays all documents filed in the case, except sealed events.)

**You may click the “silver bullet” to view the notice of electronic filing generated for that document: (MUST CHECK THE BOX “INCLUDE LINKS TO NOTICES OF ELECTRONIC FILING” whenever running a docket report for the notices/”silver bullets” to be displayed.)**

7. Filers (Displays hyperlinks to all filers and to all documents filed on their behalf.)
8. History/Documents (Displays lists of all filings and events used during submission.)

9. Party (Displays names of parties and their counsel.)
10. Related Transactions (Displays all filings and every entry that has been linked to it. The default settings of this query retrieves pending filings only. To view terminated filings, “terminated” must be selected before running the query.)

**NOTE: “Clear”:** removes all data previously entered in the box(es) on that screen.

**D. REPORTS:** PACER logins and passwords are required to view reports.

1. Docket Sheet (Displays the full docket sheet). This is a short cut to the Docket Report found in Query but the case number is required to run this report.
2. Civil Cases (Displays cases filed within a specific date range, division, judge, Nature of Suit, or Cause Code for open or closed cases.)
3. Criminal Cases (Displays cases filed within a specific date range, division or judge. **Must indicate whether searching for pending, terminated, fugitive, or non-fugitive defendant.**)
4. Calendar Events. Displays the Court Calendar Events without a PACER login. To view Calendar Events Report, you may enter the case number, select a division or calendar event. (To select more than one event, hold down the “control” key).
5. **Attorney Events Listing. Select Civil or Criminal and then run report.** A listing of all of the events appears under the appropriate category. To find an event, “Ctrl + F” will bring up a search box where the user can input information that they are trying to find on the list. Once the appropriate event is found, the scroll bar on the side can be used to scroll up to discover under which category the event is found.

**E. UTILITIES - View the following:**

**1. Your Account:**

ECF Login - TOGGLES BETWEEN ECF LOGIN AND PACER

View your transaction log - Runs an attorney transaction report for a specific period of time.

Change Client Code - is for PACER.

Change Your PACER Login - TOGGLES BETWEEN ECF LOGIN AND PACER.

Review Billing History - is for PACER.

Show PACER Account

**2. Miscellaneous:**

Legal Research

**Mailings \*\*\* Very important!**

**Go to “Mailing Info” to determine who receives documents through the court system or in hard copy for the certificate of service. The Certificate of Service must state HOW the document is sent to each party/attorney. (Do not use a previous NEF as attorney training is an ongoing process and attorneys are added daily.)**

Verify a document - verifies that a document was filed with the court but the user must have the case number and document number.

**F. LOGOUT - to exit from ECF and prevent further filing with that login and password. \*\*NOTE: If you have not been in system for more than 30 minutes, the system will time out and you must log in again. This will abort any incomplete filing.**

**V. FILING ERRORS**

**General Information.** A document that is filed electronically by an attorney becomes part of the official record. Once the filing has been accepted by the system, the NEF is generated, and the document cannot be changed by the filer. Likewise, a document cannot

be altered by the Clerk's office.

**If a filer realizes they have made an error: A filing party should not attempt to re-file the document but should first call the Clerk's office Help Desk!!!** The Clerk's office will advise as to what should be done.

## **VI. ADDING/CREATING PARTIES**

In very rare cases, a party may need to be added to the case. If the party named does not appear on the filer pick list, select **Add/Create New Party**. The filer will then be prompted to search for a party by "Last/Business name." A search must be performed to see if that party exists in the ECF database. Enter the entity name or the last name of the individual and "Search." (You may enter only the first few letters of the party's last name for an individual, or the first few letters of the company name for an entity, to broaden the search. There must be at least three consecutive letters to run a search.)

If a match is found, ECF will display a list of party names. If a match for the name of the party appears in the list, highlight the name and then select **"Select name from list."** Review the party information and select the appropriate role of the party for this filing. **"Submit."** No address information should be entered.

If a match is not found, select **"Create new party."** Enter all of the appropriate name fields. No address information should be entered.

For an entity, enter the entire name in the **"Last Name"** field. Choose the appropriate **"Role"** from the drop down menu. **"Submit."** No address information should be entered.

For an individual, fill out the **"Last Name," "Middle Name," "First Name," "Generation"** as appropriate. Only choose **"Title"** if there is only a last name. (example: Deputy Smith) Choose the appropriate **"Role"** from the drop down list. Click **"Submit."** No address information should be entered.

### **\*\*COURT RULES FOR ADDING PARTIES:**

- A. SEARCH, SEARCH, SEARCH before adding any name to the database;**
- B. NO punctuation!**
- C. Spell out the entire name except for Co, Inc, Corp, &**
- D. Entire name of an entity goes in the last name filed**
- E. Do not use articles such as "The", "A" or "An" to begin a name**
- F. Use initial caps, not all caps (unless the name is acronym - if so, space between initials, i.e. G E I C O)**
- G. To search you must have at least 3 consecutive characters - to search an acronym use the ? - example G?E will search for G E I C O**

- H. Do NOT use the title field unless all you have is a last name (i.e. Officer Smith)
- I. May use is the \* as a wildcard when searching, (ex: \* Succession will find “Smith Succession”)
- J. There is an automatic wild card after last letter - ex: Wal will find Wal-Mart, Walmart, Wal Mart)
- K. Select the proper role of party being added - the system automatically defaults to defendant.
- L. Do NOT add address information.

## VII. MISCELLANEOUS INFORMATION:

### A. Consolidated Cases:

All filings in CONSOLIDATED CASES belong in the LEAD CASE unless ordered otherwise.

### B. Prisoner Cases:

Even though a Petition for Writ of Habeas Corpus is not a typical “complaint”, for purposes of ECF, all documents which initiate the filing of a new suit are considered complaints for the purposes of answers.

Response to Petition for Writ of Habeas Corpus = Answer to Complaint (text will read “Response to Petition for Writ of Habeas Corpus”)

Motion for Extension of Time to File Answer should be used when requesting additional time to file a response to a petition for writ of habeas corpus.

Make sure to make the attorney association with the filer for the first appearance.

### C. Notices of Appeal to 5<sup>th</sup> Circuit

5<sup>th</sup> Circuit will monitor cases in which appeals have been filed for fee payment. The appeal may be dismissed by the 5<sup>th</sup> Circuit if payment is not received. The appeals clerk will send a fee letter and a transcript order form when the notice of appeal is filed.

A prompt appears for the attorney to calculate “Appeal Record Deadline” when filing a Notice of Appeal - do not enter a date - that date runs from the date of payment of fees. Also, do not have to enter a receipt number; the number is entered when payment is received.

“Appeal transcript request” also prompts for a date calculation. A date should be entered in this field.

- D. **Social Security Cases** - Briefs are to be filed using the “Appeal Documents” category under “Other Filings”. Motions, answers and summons returns for social security are filed the same as other civil cases.
- E. **Bankruptcy Appeals** - file briefs using the “Appeal Documents” category under “Other Filings.” Motions and answers are filed the same as other civil cases.

## VIII. FREQUENTLY ASKED QUESTIONS

- A. **If the NEF does not appear after a filing has been submitted, make sure the transaction has been completed. If so, try clearing the browser’s cache. Is Netscape being used as the browser?**
- B. **If a feature of ECF is not working properly, such as the “back” button, try aborting the filing and logging out of ECF and closing the browser. Log back in and try again. If Netscape is not being used as the browser, you may want to try it; it is available for free download on the internet. The court has issues with some of ECF’s features when using Internet Explorer as the browser. Using Netscape seems to resolve these issues.**
- C. **If attachments were inadvertently not submitted as part of the filing, they may be submitted as a separate filing - for example, file a Memorandum in Support (found under “responses and replies”, with all other “Parts” made as attachments to the filing) or if no brief was required, you may submit a proposed order/judgment (found under “other documents”). The attorney will receive an email or a notice of corrective action from the court that the document was filed incorrectly.**
- D. **You completed your transaction, got the NEF, and realized a problem with your filing! Call the help desk!**
- E. **The court cannot delete your incorrect filing. It will be referred to the court to be stricken from the record or other appropriate action.**
- F. **You cannot add other members of your firm to a case! Have them file a Notice of Attorney appearance to appear on the docket sheet and to begin receiving notice.**
- G. **If the attorney is filing a joint motion and wants to select other parties as joint filers of that motion, that may be done BUT do NOT make the attorney**

association for a party who already has counsel. Be sure to attach a list of the names of the other attorneys who are jointly filing and ensure they file an Endorsement of Counsel. If the attorney is associated as another party's attorney, a notice of deficiency or a notice of corrective action will be issued.

- H. Opposing counsel will not receive notice of your sealed filing - even if they receive e-mail notification. Sealed documents do not notice even though it appears that way on the NEF. You **MUST** send them a hard copy of the filing, along with a copy of the NEF.
- I. To select more than one party, hold down the "ctrl" key while selecting each party or to select multiple names that are grouped together, hold down the "shift" key and select the first and last party - those names and all the ones in between will be highlighted. The "ctrl" and "shift" key selection works for multiple part motions as well.
- J. If one attorney is filing a document on behalf of another attorney in the firm and really does not want to be involved in the case in the future, the attorney association still needs to be made for that party; however, that attorney does not have to check the box to receive notice as long as someone is receiving notice on behalf of that party. The attorney association for the party **MUST** be made. If the attorney **DOES** want to receive notice, they must select "notice" even if they selected "lead". Only one attorney can be lead counsel in civil cases. In criminal cases, all attorneys should be **BOTH** lead and notice.
- K. If counsel from a different law office wants to appear on behalf of a party currently represented by another attorney/law firm, the new attorney must still file a motion to enroll as co-counsel.
- L. When running a report, if you do not achieve the results you were looking for, make sure the case number field is cleared. Also, check the date range for the search. Make sure default settings for the report are not limiting the search.
- M. Don't forget - if help is needed, **please contact the Help Desk at (866) 323-1101 or send an email to [CMECF\\_HelpDesk@lawd.uscourts.gov](mailto:CMECF_HelpDesk@lawd.uscourts.gov)**.
- N. Further practice and training is available - please call to schedule additional training! Please also go to our website ([www.lawd.uscourts.gov](http://www.lawd.uscourts.gov)) and practice with the Court Based Training (CBT) exercises.

- O. Documents Particular to Divisions:** Some divisions and judges have variations on how they want certain things handled. If a judge has special instructions, you will be notified in their Standing Order, Trial Fixing, Scheduling Order, etc. **Just because there is a way to get it in the record by electronically filing it, does not mean that you should not be following the judges instructions. For instance:**
- **Plan of Work (Alexandria)** - refer to the Court's Standing Order.
  - **Rule 26 (Lafayette)** - See Scheduling Order and follow judges instructions to send directly to the Magistrate Judge.
- P. Pretrial Orders:** Attorneys do not have the ability to file orders so all pretrial orders should be submitted as "Proposed Pretrial Orders" found under "Other Documents."
- Q. Proposed Jury Instructions:** Found under Trial Documents. Some judges already order that Proposed Jury Instructions to be sent by email to them. If they do, follow the judges instructions as before.